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UNCLAS SECTION 01 OF 04 USOSCE 000136

SENSITIVE
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STATE FOR VCI/CCA, VCI/NRRC, EUR/RPM, EUR/PRA, SCA/CEN,
SCA/RA, PM/WRA, EUR/CARC
JCS FOR J5
OSD FOR ISA (PERENYI)
NSC FOR DOWLEY
USUN FOR LEGAL, POL
CENTCOM FOR CCJ5-C, POLAD
UNVIE FOR AC
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SUBJECT: FSC MAY 21: GEORGIA WILL WAIT FOR UNOMIG REPORT OF
UAV INCIDENT

11. (SBU) Summary: Georgia told the FSC on May 21 it would defer release of the findings of the independent group of investigators of the April 20 UAV incident until the UNOMIG fact-finding team reports. Georgia did announce that the independent experts--from the three Baltic states and the U.S.--corroborated the reliability of the Georgian radar and video depicting the UAV downing. Russia replied that Georgia's UAVs continue to over-fly Abkhazia, which has "destroyed seven of the drones." The UK reported that its experts believe the Georgian video to be reliable and depicts a Su-27 attacking the UAV. The U.S. again urged restraint by all parties and asked Russia to explain its deployments of additional arms and combat forces to support a nominal peacekeeping operation. Russia objected to the U.S. suggesting Russia was a party to a dispute that was solely between Georgia and Abkhazia.

12. (SBU) Russia continues to push for stricter enforcement of the Vienna Document timelines for requesting inspections, although several participating States have supported U.S. position that a chair's statement requiring the refusal of untimely requests is inappropriate. Canada does not support the revised Russian proposal to define the "specified area" for Vienna Document inspections. Canada and Ukraine support the revised Franco-Belgian draft proposal for an information exchange and Best Practice Guide on illicit trafficking by air of small arms and light weapons. The draft decision on the publication of Best Practice Guides moves to the Plenary on May 28. A revised version of the proposed update of the Code of Conduct Questionnaire has been distributed. Washington, see para 18. End summary.

Georgian UAV Incident

¶3. (SBU) Georgia announced it would defer release of the findings of the independent group of international experts investigating the April 20 UAV incident until the UNOMIG fact-finding team had reported. Georgia added that the experts, from the three Baltic states and the U.S., had verified the reliability of the evidence it had submitted. This includes Georgian radar plots and the video taken by a camera on the UAV in the moments before it was destroyed. Georgia has shared the international experts' report with NATO and EU countries. Georgia has completed its own investigation that leaves "no unanswered questions."

¶4. (SBU) Russia (Ulyanov) commended Georgia for respecting the role of the UN, but noted that Georgia and Abkhazia had declined to participate in the UNOMIG fact-finding team. Meanwhile, Ulyanov added, Georgia continues without authorization to over-fly Abkhazia with UAVs. Abkhazia has "shot down seven of the drones."

¶5. (SBU) The UK (Hartnell) reported that its experts had examined the evidence assembled by Georgia, which appeared genuine. The British experts believed the aircraft attacking the UAV was an Su-27. The UK welcomed the UNOMIG investigation and urged all sides to cooperate with it.

¶6. (SBU) The U.S. (KScott) confirmed that it had participated in the first group on international experts and that it had found no reason to doubt the reliability of the evidence presented by Georgia. The video and radar data indicated that the attacking aircraft had made a high-speed passage

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from north to south before shooting down the UAV and then returned along the same route in the opposite direction. The evidence, including radar plots and the video, indicated the speed of the aircraft exceeded anything in the Abkhaz inventory and had a twin-tail, similar to the MiG-29 or Su-27.

¶7. (SBU) Scott said the parties and the OSCE should focus on the growing tensions in the region. He noted U.S. efforts to urge restraint on all sides, and referred to previous U.S. statements in the FSC and PC on the concerns of one of the parties about the "creeping annexation of its territory." Scott recommended that the parties use the methods and resources of the OSCE to defuse the situation. He noted a destabilizing accumulation of weapons in the region and the recent Russian deployments of "high readiness" combat troops to support a nominal peacekeeping force. He called on Russia to withdraw these forces and for Georgia to avoid military activities that contributed to the tension. Scott said it would be useful to the OSCE and the parties to know the details of Russian and Georgian military deployments in the region.

¶8. (SBU) Scott noted that some claims suggested the attacking aircraft took off from the Gudauta military base. He called on Russia to voluntarily open the base to an international military inspection. He asked Russia to present any evidence that would refute the video to the UNOMIG investigation, if it in fact existed. He urged the pursuit of a peaceful solution to the Abkhaz situation within the internationally recognized borders of Georgia.

¶9. (SBU) Ulyanov objected to the U.S. reference to increasing tensions "between Russia and Georgia": the tensions were rather between Georgia and Abkhazia. Ulyanov noted the U.S. had failed, despite assertions about the speed and design of the attacking aircraft, to identify its nationality. He asked why the U.S. would challenge the provision of military forces to a peacekeeping operation. On Gudauta, Ulyanov said the Russian Federation has objected in the past to "military tourism," noting there had been two inspections recently of the base "shut down in 2001." In any case, if the U.S. wanted to visit, the request should be directed to the

Sukhumi authorities, not Russia.

MANPADS

¶10. (SBU) The Plenary chair (Estonia), noting one delegation still lacked instructions, announced the draft decision on amending the MANPADS export controls principles would be placed under the silence procedure until May 26 at 1200. (Note: Belarus is apparently still without instructions. End note.)

Vienna Document Inspection Requests

¶11. (SBU) Canada and the UK supported the U.S. version of a chair's statement calling for compliance with the timelines for requesting inspections and evaluations under paras 85 and 112 of the Vienna Document (FSC.DEL/93/08/Rev.1). The UK added that it would prefer no statement, as the Vienna Document does not require amplification. The U.S. (Silberberg) concurred that even its proposal was

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unnecessary, but recommended it as preferable to the Russian version (FSC.DEL/75/08/Rev.1), which would tie the hands of receiving states.

¶12. (SBU) Russia (Ulyanov) complained that the U.S. approach was inadequate to address the "massive" violations of the timelines. Even Russia, Ulyanov admitted, had been guilty of violating the standards. Ulyanov asked if it was fair to penalize states making timely requests by preferring early but untimely requesters. This was, he concluded, tantamount to "legal nihilism."

¶13. (SBU) Germany (Schweizer) agreed with Russia that there was a need for stricter compliance. Schweizer proposed a modified version of the Russian request: deleting the words "it is understood that" from the first sentence and deleting the entire second sentence that requires preference to timely requests. If compliance does not improve, Schweizer added, the issue could be addressed at the Annual Implementation Assessment Meeting (AIAM). At that point, something more than a chair's statement might be needed, he warned. Ulyanov replied waiting until March 2009 for the next AIAM was too long.

¶14. (SBU) The UK noted the related problem of inspection requests not being shared with all participating States. Belarus (Pavlov) wondered if a requesting state that made a timely request could demand that it receive preference over states making too early requests. Canada replied that the decision remained with the receiving state. The U.S. suggested there may be some confusion over how to count days when determining of a request was timely: were pS counting work days or calendar days? Also, was it possible that receiving states preferred early requests because they allowed more time for preparation?

"Specified Area" for Vienna Document Inspections

¶15. (SBU) Turkey it was analyzing the Russian proposal to define the "specified area" for Vienna Document inspections at 25,000 square kilometers. Ukraine announced its support. Canada (Gosal) rejected the proposal as unnecessary, citing the time restraints in the Document as adequate to define the scope of an investigation. Ulyanov said he might feel the same way if his country, like Canada, were outside the "zone of application." As it was, Russia believed the proposal would enhance implementation of the Vienna Document. Separately, Denmark told the U.S. it preferred an earlier version of the Russian proposal that included a "diagonal" distance minimum that defined the geometry of the specified area. However, if the U.S. opposed the latest version,

Denmark would probably not support Russia.

Illicit Air Trafficking of SALW

¶16. (SBU) Canada and Ukraine support the revised version of the French and Belgian proposal for an information exchange and a Best Practice Guide on the illicit trafficking by air of small arms and light weapons. Russia said it was still studying the paper.

UNSCR 1540

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¶17. (SBU) Spain (Mor Sola) reported on the May 13-14 Organization of American States meeting in Buenos Aires on UN Security Council Resolution 1540. Mor Sola attended as the OSCE representative. He noted much interest in OSCE activities to enhance implementation of UNSCR 1540, including the Best Practice Guide now under preparation (FSC.DEL/99/08).

Best Practice Guides on Conventional Ammunition

¶18. (SBU) The draft decision approving the publication of the Best Practice Guides on Conventional Ammunition will be considered in the FSC Plenary on May 28. Mission intends to join consensus unless instructed otherwise.

Ukraine Melange

¶19. (SBU) Germany (Schweizer) demanded an update on the OSCE melange disposition project in Ukraine. Schweizer said it had been two months since the MOU between the OSCE and the government of Ukraine had been signed. The CPC agreed to brief developments at the working group meeting on May 28.

Code of Conduct Questionnaire

¶20. (SBU) The FSC coordinator for the Code of Conduct (Eischer, Austria) announced a revised version of the proposals to update the Code Questionnaire. He explained that plain text represented the existing Questionnaire and new language was bracketed. The manual of model answers was removed from the draft decision but would be retained as a technical paper for future use. Eischer proposed an informal drafting meeting if there was sufficient interest expressed at the next working group meeting on May 28.

¶21. (SBU) Germany (Schweizer) confirmed it did not favor reopening the Code itself, but did want to see an acknowledgment of contemporary reality with increased reference in the Questionnaire to the role of private security firms. Finland and Turkey said they were studying the latest version of the update.

Next Meeting

¶22. (U) The FSC will meet next on May 28.
FINLEY